

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e. claims 1-8 and 14-23) is respectfully requested in view of the foregoing amendments and the following remarks.

In the Office Action dated October 3, 2003, the Examiner issued a Restriction Requirement between claims 1-8 and 14-23 drawn to a bone cement deflector and kit identified as Group I and claims 9-13 drawn to a method of implanting a prosthesis and designated Group II. Applicant hereby elects to proceed with Group I drawn to the bone cement deflector and, by this Office Action, has cancelled method claims 9-13.

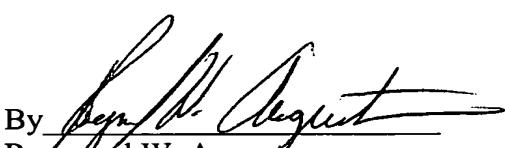
In addition, the Examiner considered that there were five (5) separate species of cement deflectors respectively shown in FIGS. 9, 11, 12, 13 and 14 designated as Species I-V respectively. Applicant elects to proceed with the species shown in FIG. 12, i.e. Species III.

As stated in paragraph 50 of the application, FIGS. 11-14 show examples of second cement deflectors which can be used on a cannulated surgical prosthesis which is engaged within the sheath provided by the first cement deflector 55. Thus, applicant considers that the elected invention relates to sheath 55 with the second cement deflector of FIG. 12 located therein. In this regard, applicant has amended claim 1 to include reference to the second cement deflector. Consequently, applicant believes that claims 1-8 and 14-23 are all directed to the elected invention and species. The support for the amendment to claim 1 is set forth in the description of FIG. 12 in paragraph 53 of the application.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: January 19, 2004

Respectfully submitted,

By 
Raymond W. Augustin
Registration No.: 28,588
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090

(908) 654-5000
Attorney for Applicant